



COUNTY OF LOS ANGELES

DEPARTMENT OF HUMAN RESOURCES

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MICHAEL J. HENRY
DIRECTOR OF PERSONNEL

September 27, 2006

To: Each Supervisor

From: Michael J. Henry
Director of Personnel

Subject: **PRESS INQUIRY RE MARTIN LUTHER KING/DREW MEDICAL CENTER (KDMC)**

I was contacted by Evelyn Larrubia and Steve Hymon who are both reporters for the Los Angeles Times.

Mr. Steve Hymon apparently is gathering information for a possible story regarding KDMC scheduled for this weekend and requested a copy of my latest weekly status report on disciplinary actions and hiring at KDMC. I provided that report which is also attached to this memo. He had no further questions.

Ms. Evelyn Larrubia contacted me separately and indicated that she is working on a story targeted for this weekend on KDMC and what would be the impact on employees if the hospital was contracted out.

Present at the telephone interview were Epifanio Peinado, Department of Human Resources Manager in the Advocacy Unit, and Les Tolnai, Assistant County Counsel for Employee Relations and Personnel. Detailed below are her questions and our answers:

Question No .1

What would happen to the employees if KDMC is contracted out or sold to an outside organization?

Answer:

The Director of the Department of Health Services (DHS) is currently working on different scenarios to continue to provide health care to the community that KDMC serves. Once those alternatives are developed they will be considered by the Board of Supervisors who

will then select the best scenario that would have to meet the County's, the community and CMS's requirements.

No decision has been made to contract out KDMC. However, depending on the options, there are basically two separate scenarios regarding County employees at KDMC. The first is to layoff which would trigger the Civil Service processes of cascading employees to their previously held classifications and could affect the entire DHS, as the cascading would be departmentwide.

The second alternative is to transfer the KDMC employees to other vacant positions within the DHS. This would be a more attractive alternative in that it would allow us to retain those dedicated employees that are currently at KDMC and would not force us to layoff the less senior, newly hired employees in DHS.

Question No. 2

What happens to the non-performing employees at KDMC?

Answer:

We have already taken unprecedented disciplinary actions at KDMC (see attached report). Under a layoff scenario or a transfer scenario those remaining employees would be evaluated and disciplined according to their performance and based on management's discretion in their new location.

Question No. 3

Isn't the only alternative for the Board to consider contracting or selling KDMC?

Answer:

No, there are at least three options that I know of that they could consider. One is to appeal the findings to the CMS report. They have already directed the DHS Director to start the process to preserve that option. The second is that they could consider selling or contracting out the operation of KDMC if they found a provider that is economically feasible, meets the needs of the community and meets CMS requirements. The third is that they could consider merging KDMC facility with another hospital, hiring new staff to operate the new program at KDMC.

Question No. 4

Is transferring employees a real option because there are approximately 2,400 employees at KDMC? Where would you transfer that many employees to?

Answer:

DHS is a very large organization with approximately 18,000 employees. They have a significant attrition rate, as well as large vacancies in the hard to recruit positions such as nursing, pharmacists, and other medical support positions. They could transfer these 2,400 employees, most, if not all, to other vacant positions within the department.

If the Board of Supervisors chose the scenario to layoff, how long would it take to implement the layoff? Once a program decision is made that layoff is the option to implement, the program would take approximately 60 days from the time we post seniority lists. Within that 60-day period it would allow for union notification, employee notification, providing information to the employees on their benefits, as well as rights related to the layoff and implementing various mitigation program to help the employees being laid off to relocate.

Question No. 5

What governs layoff requirements?

Answer:

Civil Service Rule 19 governs employee layoffs which is also in most of the County's Memorandum of Understandings (MOU) with the unions.

Question No. 6

How can an employee be made unclassified so that the Civil Service Rules would not apply to layoffs?

Answer:

A Charter Amendment would be required. There have been two previous Charter Amendments. The first moved department heads to unclassified status and in year 2000 Measure A was approved which made the next two levels of managers beneath the department head unclassified.

Question No. 7

Has the County had discussions in the past to change the status of DHS employees from classified to unclassified?

Answer:

Dr. Thomas Garthwaite, when he was the Director, did have those discussions and was given information on what it would take to implement such a program.

Changing the status of current DHS employees from classified to unclassified in my opinion is at this time not an option. It may be a long term option to consider. What we have to do today is concentrate on the crisis we have and use the tools that we have in the Civil Service Rules to fix the problem. The most important issue on the table is what is the best medical services program that can be offered to the community which meets the requirements of CMS. Once that decision is made, the technical requirements of moving employees should be made in support of program issues.

Question No. 8

Could you please send me a copy of Rule 19 and any information on the layoff process?

Answer:

Attached is Rule 19 and a copy of the information sheet that shows the various processes that we go through to effect a layoff within the 60-day time period.

Question No. 9

Do the Civil Service Rules permit transfer of employees?

Answer:

The Civil Service Rules give management a clear right to transfer employees throughout their department.

In closing, we reiterated that while time is short, we are still in the early stages with our Director of Health Services preparing options for the Board of Supervisors to consider.

MJH:kc

Attachments

c: Raymond G. Fortner, Jr.
David E. Janssen
Bruce A. Chernof, M.D.
Antionette Smith-Epps

pressinqkdmcmbs



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MICHAEL J. HENRY
DIRECTOR OF PERSONNEL

September 22, 2006

To: Each Supervisor

From: Michael J. Henry 
Director of Personnel

Subject: **HUMAN RESOURCES STATUS REPORT ON KING/DREW MEDICAL CENTER (KDMC)**

This status report reflects information as of September 21, 2006. Please keep in mind that this information changes daily; therefore, the information in this report is a snapshot in time.

DISCIPLINE

Overall, since January 2004, 498 disciplinary actions have been taken against KDMC employees. Of this number, 253 actions have been discharges or resignations. A total of 58 disciplinary actions have been taken against physicians and 41 physicians have been discharged or have resigned.

Since our last report, four cases have been closed and two cases have been opened. As a result, KDMC's open caseload is currently 30 (detailed summary information is contained in Attachments I and II). The new cases involve neither physicians nor nurses.

RECRUITMENTS

On Saturday, October 7, 2006, Nurse Recruiters from KDMC and other Department of Health Services facilities will host a recruitment booth at the Annual Convention of the California Nursing Students Association (CNSA) being held at the Sheraton Park Hotel in Anaheim, California. The CNSA is the student chapter affiliate for the Association of California Nurse Leaders, a key nursing leadership organization that advances professional nursing practice and influences health policy.

Each Supervisor
September 22, 2006
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If you have any questions, please call me.

MJH:STS
SBH:sh

Attachments

c: David E. Janssen
Bruce Chernof, M.D.
Ray Fortner
Sachi Hamai
John R. Cochran III
Antionette Smith Epps

H:KDMC Human Resources Status Report FINAL 092206

**KDMC HUMAN RESOURCES/PERFORMANCE MANAGEMENT
ADMINISTRATIVE ACTIONS STATUS REPORT - TABLE**

Period: 01/26/04 - 09/21/06

Dated: 9/21/2006

Closed Cases -	923
Open Cases -	30
Referred Cases -	12
Grand Total =	965

TYPE OF ADMINISTRATIVE ACTION	Medical Staff ¹	Ancillary² Medical Staff	Nursing Staff ³	Pharmacy Staff	All Other Staff	TOTALS
<u>Formal discipline:</u>						
Discharges	10	5	32	0	35	82
Discharges of Probationers	0	7	8	1	13	29
Suspensions (6 - 30 Days)	4	12	51	5	39	111
Suspensions (1 - 5 Days)	11	10	24	2	22	69
Reprimands	7	4	25	2	15	53
Warnings	1	2	1	3	5	12
Resignations in Lieu of Administrative Action	20	9	31	6	11	77
Release of Temporary Employee	15	1	39	0	9	64
Medical Release	0	0	0	0	1	1
Subtotal	68	50	211	19	150	498

TYPE OF ADMINISTRATIVE ACTION	Medical Staff ¹	Ancillary ² Medical Staff	Nursing Staff ³	Pharmacy Staff	All Other Staff	TOTALS
Non-Disciplinary ⁴ Corrective Actions	24	12	41	43	34	154
Total Actions Taken	92	62	252	62	184	652

¹ Includes: Physician series; Physician's Assistant; and Nurse Practitioners

² Includes: Surgical Technicians; Medical Technologists; etc.

³ Includes: Nurse series; Licensed Vocational Nurse; Nursing Attendant

⁴ Includes: Counseling; Effective Notices to Correct Performance; Reassignments; etc.

**KDMC HUMAN RESOURCES/PERFORMANCE MANAGEMENT
ADMINISTRATIVE ACTIONS STATUS REPORT - MEDICAL STAFF**

Period: 01/26/04 - 09/21/06

Dated: 9/21/2006

TYPE OF ADMINISTRATIVE ACTION	Physician	Physician's Assistant	Nurse Practitioner	TOTALS
<u>Formal discipline:</u>				
Discharges	8	2	0	10
Discharges of Probationers	0	0	0	0
Suspensions (6 - 30 Days)	3	1	0	4
Suspensions (1 - 5 Days)	8	3	0	11
Reprimands	5	2	0	7
Warnings	1	0	0	1
Resignations in Lieu of Administrative Action	18	1	1	20
Release of Temporary Employee	15	0	0	15
Medical Release	0	0	0	0
Subtotal	58	9	1	68

TYPE OF ADMINISTRATIVE ACTION	Physician	Physician's Assistant	Nurse Practitioner	TOTALS
Non-Disciplinary Corrective Actions	22	1	1	24
Total Actions Taken	80	10	2	92

without the consent of the appointing power. An employee who claims that a resignation has been obtained by duress, fraud, or undue influence, may appeal to the director of personnel, setting forth in writing the facts substantiating the allegation, within 10 business days of the acceptance of the resignation by the appointing power. Any such appeal shall be limited to the question of fraud, duress, undue influence (as defined in these Rules). (Ord. 88-0020 § 1 (part), 1988.)

Rule 19

LAYOFFS AND REEMPLOYMENT LISTS

Rules:

- 19.01 Layoffs.
- 19.02 Employment status.
- 19.03 Order of layoff.
- 19.04 Ties in performance rating and seniority.
- 19.05 Exception to order of layoff or reduction.
- 19.06 Reduction.
- 19.07 Voluntary reductions in lieu of layoff.
- 19.08 Reemployment list.
- 19.09 Names dropped.
- 19.10 Restoration to reemployment list.

19.01 Layoffs. The appointing power may lay off or reduce an employee when necessary:

- A. For reasons of economy or lack of work; or
- B. Where there are more employees than positions in any class within the department. (Ord. 88-0020 § 1 (part), 1988.)

19.02 Employment status. A. 1. In the case of employees in nonsupervisory classes and supervisory classes in bargaining units as certified by ERCOM layoffs and reductions shall be made by class of position and by department.

2. In the case of employees in all other supervisory classes and all managerial classes in the department of health services, layoffs and reductions shall be made by class of position and by department except that, upon prior approval of the director of personnel at least 30 days prior to the effective date, layoffs and reductions may be made within a unit other than by department under one of the following options:

- a. Payroll division or divisions;
- b. Facility within payroll division;
- c. Program within payroll division;
- d. Program within facility.

B. In each class of position and unit in which there is to be a layoff or reduction, employees shall be

laid off according to employment status in the following order:

- 1. Temporary;
- 2. Recurrent;
- 3. Probationary;
- 4. Permanent.

C. The temporary and recurrent employees shall be laid off according to the needs of the service, as determined by the appointing power.

D. Probationary employees in the class shall be laid off or reduced according to seniority in county service.

E. If layoffs are implemented other than by department, the provisions of Rule 19.07 shall be applied consistent with the basis on which the layoffs are made. (Ord. 88-0020 § 1 (part), 1988.)

19.03 Order of layoff. In case there are two or more permanent employees in the class from which layoff or reduction is to be made:

A. Employees in nonsupervisory classes and supervisory classes in bargaining units as certified by ERCOM shall be laid off or reduced on the basis of inverse order of seniority in county service, except that all employees having a performance evaluation of "improvement needed" on record for at least 30 days shall be laid off first;

B. Employees in all other supervisory and all managerial classes (except managerial classes in the Sheriff) shall be laid off or reduced on the basis of inverse order of seniority in grade, except that all employees having a performance evaluation of "improvement needed" on record for at least 30 days shall be laid off first.

C. Employees in managerial classes in the Sheriff shall be laid off or reduced on the basis of inverse order of seniority in the class, except that all employees having a performance evaluation of "improvement needed" on record for at least 30 days shall be laid off first.

D. Management appraisal and performance plan participants shall be laid off or reduced by department according to the participant's class and last performance rating in the following order: "Unsatisfactory Performance," "Needs Improvement," "Merit Performance," "Exceptional Performance." In case of a tie affecting two or more persons in the same rating category, layoff or reduction shall be according to seniority in the range. In the case of a tie affecting two or more persons with the same seniority, the order of layoff or reduction shall be at the discretion of the appointing power. (§ 3, Board of Supervisors Amendment adopted 10/10/96:

§ 3, Board of Supervisors Amendment adopted 9/29/88; Ord. 88-0020 § 1 (part), 1988.)

19.04 Ties in performance rating and seniority.

A. In case of a tie affecting two or more persons in the same category in Rule 19.03(A) or who have the same seniority in county service, the person with the least seniority in grade shall be laid off or reduced first. In case of a tie affecting two or more persons in the same category in Rule 19.03(B) who have the same seniority in grade, layoffs will be made according to the following order — competent, very good, outstanding.

B. If a tie still exists for persons in the same category in Rule 19.03(A) and the persons were appointed from the same eligible list to the class from which the layoff is to be made, the person whose name was in the lower group on said eligible list shall be laid off first. If a tie still exists for persons in the same category in Rule 19.03(B), the person with the least county seniority will be laid off or reduced first. (Ord. 88-0020 § 1 (part), 1988; amended by Board Order No. 80 (part), 9/1/87.)

19.05 Exception to order of layoff or reduction.

A. Where the appointing power deems it to be for the best interest of the service, the appointing power may retain an employee despite the order of the layoff provided in Rule 19.03.

B. The "best interest of the service" may be defined on the basis of such considerations as:

1. Special qualifications possessed by only the employee(s) retained, important to performance of the department's work;

2. Loss of the employee's skills on a particular assignment would adversely affect public welfare;

3. An employee's distinctly superior documented work performance.

C. The appointing power shall submit written justification for such retention to the director of personnel and obtain the latter's concurrence.

D. Where the appointing power deems it to be in the best interests of the service, the appointing power may combine, with the concurrence of the director of personnel classes of the same grade into a single group for the purpose of layoff or reduction. (Ord. 88-0020 § 1 (part), 1988.)

19.06 Reduction. A. The appointing power may (except as provided in Rule 19.07), if the appointing power deems it for the best interests of the service, make reductions in lieu of layoff to positions at lower levels in the same or related series or positions in other series, for

which the employee to be reduced has demonstrated that such employee possesses the skills and aptitudes required in the position to which the employee is to be reduced, thereby causing layoffs only in the lower ranks. Such reductions shall be made in the same order and subject to the same restrictions as provided for under Rules 19.02 and 19.03. Any employee reduced in accordance with the Rule or Rule 19.07 shall not be subject to layoff or further reduction in lieu of layoff from a non-represented class to which he/she has been reduced; except when the number of employees who have been or who are being reduced in lieu of layoff to a given class of positions exceeds the number of positions to be utilized in that class in a department, then the right to protection from layoff or further reduction will be afforded as follows:

B. First, employees who at any time have been or are being reduced in lieu of layoff from a higher-grade position shall have precedence over those who have been or are being reduced from a lower-grade position;

C. Second, among employees reduced in lieu of layoff from positions of the same grade, precedence shall be determined on the basis of seniority in that grade. (Ord. 88-0020 § 1 (part), 1988.)

19.07 Voluntary reductions in lieu of layoff. A.

An employee with restoration rights to a lower grade who anticipates being laid off or being reduced in lieu of layoff pursuant to these Rules, or who is so laid off or reduced; may, no later than 15 business days after notice of such layoff, request a reduction in grade and restoration to the employee's last prior lower-grade position held on a permanent basis. Any employee with restoration rights to a class which has been eliminated through the classification/budgetary process shall have restoration rights to the most nearly similar lower-level position in the department. On receiving such a request, the appointing power must make such restoration, thus causing layoffs or reductions only in the lower ranks.

B. When the number of employees who request reduction and restoration to positions in a given class and department exceeds the number of positions in that class and department, employees who cannot be reduced to the position to which they have the right to request restoration shall have the right to be reduced to the position next previously held on a permanent basis, and so on to the lowest-level position previously held.

C. An employee whose position must be eliminated or vacated for the reasons cited in Rule 19.01 and who requests a voluntary reduction in accordance with Rule 18.08 rather than cause some less-senior employee to be laid off or reduced, is entitled to have his/her name

placed on a reemployment list in accordance with Rule 19.08. Such requests for voluntary demotions are subject to the approval of the appointing power and director of personnel. (Ord. 88-0020 § 1 (part), 1988.)

19.08 Reemployment list. A. The names of persons laid off or reduced in accordance with these Rules shall be entered upon a list in the inverse of the order specified in Rules 19.03, 19.04, and 19.06, except that persons whose records of employment have not been satisfactory or who have refused the offer of a position which is paid less than 25 percent below the position from which the employee was laid off or reduced, shall be omitted from the reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every appointing power when a vacancy arises in the same or lower class of position, before certification is made from an eligible list. When a vacancy occurs, the appointing power shall appoint the person highest on the reemployment list who is available and who was laid off from the department in which the appointment is to be made. If no person on the reemployment list was laid off from the department in which the appointment is to be made, the appointing power shall appoint anyone named on such list. If only two names are on the list, the appointing power shall appoint one of such persons; if only one, the appointing power shall appoint that one.

B. Upon request of the appointing power, the director of personnel may make a selective certification for a particular qualification from a reemployment list, where it is shown that the duties of the position to be filled requires such qualification. (Ord. 88-0020 § 1 (part), 1988.)

19.09 Names dropped. Names of persons laid off or reduced in lieu of layoff shall be carried on a reemployment list for one year, except that the names of persons appointed to permanent positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list. Persons reduced or reemployed in a lower class or reemployed on a temporary basis shall be continued on the list for the higher position for one year. (Ord. 88-0020 § 1 (part), 1988.)

19.10 Restoration to reemployment list. The name of any person who has been appointed to a permanent position from a reemployment list and who is separated from the service without delinquency or fault may, at the discretion of the director of personnel, be restored to the reemployment list. This restoration, however, shall not have the effect of extending the time the em-

ployee may be carried on the reemployment list beyond one year from date of original separation. (Ord. 88-0020 § 1 (part), 1988.)

Rule 20

PERFORMANCE EVALUATION

Rules:

- 20.01 Performance evaluation.
- 20.02 Ratings.
- 20.03 Minimum service for which a rating is required.
- 20.04 Rating standards.
- 20.05 Departmental record of ratings.
- 20.06 Copy delivered to the employee.
- 20.07 Review.
- 20.08 Full reports required.
- 20.09 Reconsideration of ratings.
- 20.10 Records.
- 20.11 Management appraisal and performance plan participants.

20.01 Performance evaluation. The performance of each employee in the classified service shall be evaluated by the appointing power in relation to standards for efficient performance of the work in accordance with these Rules. (Ord. 88-0020 § 1 (part), 1988.)

20.02 Ratings. A. Ratings of efficiency of performance shall be made for permanent employees at least once each year, and for probationers by the end of the probationary period. A revised rating may be submitted by the appointing power at any time.

B. Performance ratings, in whole or in part, singly or cumulatively, are not, in themselves, compelling or presumptive of any particular score, grade or ranking on any part of a competitive examination.

C. When an employee terminates employment, his/her most recent rating on file shall be the rating of record, and no additional rating need be made unless the performance has changed to unsatisfactory or "Unsatisfactory performance" for management appraisal and performance plan participants. If a new rating is to be given, the report must be made and mailed within 30 days of employee's date of termination.

D. No rating need be made for temporary employees. (§ 4 (part), Board of Supervisors Amendment adopted 10/10/96: Ord. 88-0020 § 1 (part), 1988.)

GENERIC TIMELINE FOR WORKFORCE REDUCTION PROCESS

Generally, a minimum of 60 days is required to implement a workforce reduction. When it is determined that a curtailment plan may involve workforce reduction (WR) in a County department, the following steps are required:

Step	Description	Days prior to effective date of layoffs
1	Departmental Human Resources Director to notify Human Resources Manager, HR Departmental Support Division of impending workforce reductions;	60
2	DHR to initiate regular meetings of departmental personnel and WR partners to coordinate WR activities;	60
3	Department to post seniority listings;	55-60
4	Department to notify Board of Supervisors at least 30 days prior to effective date of WR actions;	30-60
5	CAO/ER provide early notification to affected unions;	55-60
6	DHR and department to begin planning for internal and external mitigation;	55-60
7	Department requests exceptions to order of layoff in accordance with Civil Service Rule 19.05, if necessary, for approval by DHR.	57
8	Department to request that DHR freeze transactions in CWTAPPS.	50
9	Department to develop workforce reduction plan and submit to DHR for approval. Complete and submit Affirmative Action Impact Reports to OAAC.	35 -49
10	DHR to review and approve workforce reduction plans by verifying that workforce reduction actions (layoffs, reductions, releases) proposed by affected departments are in accordance with Civil Service Rule 19.	22-34
11	DHR to distribute approved plan to the department, CAO/Employee Relations and Budget, and Office of Affirmative Action Compliance;	21
12	CAO/ER to meet and consult with unions;	15 -20
13	DHR and department to intensify internal and external mitigation efforts;	Ongoing
14	DHR to provide Supportive Manager training to departmental supervisors and managers;	15-20
15	Department to meet with impacted employees to give notices at least two weeks prior to effective date of actions.	14
16	Community and Senior Services to conduct Orientation and Transition Services meetings with impacted employees;	1 – 13
17	Effective Date of WR actions; Employees are laid off, released, reduced and/or transferred.	0
18	Department to finalize reemployment list in CWTAPPS;	ASAP
19	DHR to review and approve reemployment lists	ASAP
20	Department and DHR to review and respond to grievances; Take corrective actions as required.	ASAP
21	DHR to monitor Countywide hiring and promotional activities for one year to ensure compliance with Civil Service Rules relating to reemployment list utilization.	One year